IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.3304 OF 1995

Mahadev Laxman Sakpal
Room No.446-A Shukrawar
Peth, Pune ...Petitioner.

V/s.

Mohanlal Kachar-das Modi
Room No.446 Shukrawar Peth, Pune. ...Respondent.

Shri Prashant A. Sarwankar for Petitioner.
Shri P.B.Shah for Respondent.

CORAM: D.B.BHOSALE, J.
DATE : 21st September, 2006.

P.C.:

1. This petition arises from the order passed on the application filed by the defendants under Order 9 Rule 13 of the Code of Civil Procedure for setting aside the exparte decree. Both the Courts below have rejected the prayer and hence, the petitioner has filed instant writ petition.

2. When the petition was called out, Mr.Shah, the learned counsel for the respondent informed that the decree has already been executed. This statement of Mr.Shah has not been controverted by the learned counsel for the petitioner. In view thereof nothing further

survives in the writ petition. In the circumstances, the writ petition stands dismissed.

(D.B.BHOSALE, J.)